

Docket No.: 64693-09

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 33401
SHEHADA, Ramez E.N. et al. : Confirmation Number: 1472
Serial No.: 10/775,666 : Group Art Unit: 3763
Filed: February 9, 2004 : Examiner: Not Known

For: SURGICAL DRAIN WITH SENSORS FOR MONITORING INTERNAL
TISSUE CONDITION

The PTO did not receive the following listed item(s) NPLS

Signed:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on December 23, 2004.

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We enclose copies of those cited documents that are not patents or published patent applications.

This Information Disclosure Statement is being submitted:

1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;

2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

(a) A statement that either:

(i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

(b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).

3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:

(a) A statement that either:

(i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

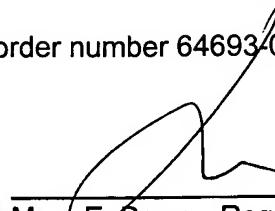
(b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 501946 referencing order number 64693-092-6806

December 23, 2004



Marc E. Brown, Reg. No. 28,590
Attorney for Applicant

McDERMOTT WILL & EMERY LLP
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110; Fax: (310) 277-4730



Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

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|----------------------|---------------------|
| Application Number | 10/775,666 |
| Filing Date | February 9, 2004 |
| First Named Inventor | SHEHADA, Ramez E.N. |
| Art Unit | 3763 |
| Examiner Name | Not known |

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| Sheet | 1 | Of | 4 | Attorney Docket Number | 64693-092 |
|-------|---|----|---|------------------------|-----------|

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number -Kind Code ² (if known) | Issue Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
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| Examiner Initials* | Cite No. ¹ | Document Number Number -Kind Code ² (if known) | Issue Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language translation is attached.



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| Substitute for form 1449A/PT | | | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Application Number | 10/775,666 |
| | | | | Filing Date | February 9, 2004 |
| | | | | First Named Inventor | SHEHADA, Ramez E.N. |
| | | | | Art Unit | 3763 |
| | | | | Examiner Name | Not known |
| Sheet | 2 | of | 4 | Attorney Docket Number | 64693-092 |

OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS

| | | | |
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| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
| | 24 | BUISE, M.P. et al. Reflectance Spectrophotometry and Tissue Oxygenation in Experimental and Clinical Practice. Abstract only. (A printed publication published prior to February 9, 2004.) | |
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| Examiner Signature | | Date Considered | |

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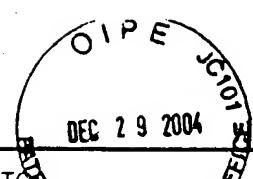
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| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
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|--------------------|-----------------------|---|----------------|
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